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Thirty-second report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999) and covers the developments on the issue of missing Kuwaiti and third-country nationals and that of missing Kuwaiti property, including national archives, since the issuance of my last report of 20 June 2011 (S/2011/373).

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

2. In my previous report, I encouraged the Government of Iraq to expeditiously take further practical steps towards fulfilling its obligations under paragraph 14 of Security Council resolution 1284 (1999). Throughout the reporting period the High-level Coordinator, Ambassador Gennady Tarasov, was actively engaged with both Iraq and Kuwait to assist them in further building mutual trust and confidence with a view to intensifying the search for missing persons. Working in close contact with the members of the Tripartite Commission and its Technical Subcommittee, the Coordinator has consistently encouraged tangible practical progress in this regard. His priority is to facilitate, within the framework of the Technical Subcommittee and under the aegis of the International Committee of the Red Cross (ICRC), the sending of joint exploratory missions to sites on Iraqi territory where Kuwaiti and third-country persons may have been buried. Three such missions have been conducted up to date: to Nassiriyah, in southern Iraq, in December 2010, and to the nearby site of Khamisiyah, in June and in September and October 2011. Although no human remains have been discovered, in the view of the participants these missions represent a promising format for their further work on the ground. The missions have the potential to become an effective functional mechanism to fully probe the fate of missing persons.

3. The Coordinator visited Kuwait from 19 to 22 September 2011. He met the Under-Secretary of the Ministry of Foreign Affairs of Kuwait, Khaled Al-Jarallah, who stressed that the humanitarian mandate of the Coordinator should be insulated from the influence of other political and regional factors and emphasized the need for Iraq to fulfil its commitments under the relevant Security Council resolutions.

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He hoped that Kuwait and Iraq would be able to close this painful chapter with the assistance of the United Nations.

4. From 14 to 16 November 2011, the High-level Coordinator travelled to Geneva where, on the sidelines of the Tripartite Commission meeting, he met the Minister of Human Rights of Iraq, Mohammed S. Al-Sudaney, as well as the Kuwaiti delegation.

5. Minister Al-Sudaney underlined the firm commitment of the Government of Iraq to the search for missing Kuwaiti and third-country nationals. He briefed the Coordinator on the progress achieved so far by the Technical Subcommittee joint exploratory missions and outlined Iraqi efforts to gather relevant information and expand the database on potential sites containing mass graves. He also noted that his Ministry had prepared a plan of action for 2012 that accorded priority to more investigations at Khamisiyah, Ramadi and Hilla in Iraq. The Minister indicated that Iraq had received the equipment purchased from the $974,000 Kuwaiti grant, which will be used for the excavation of mass graves and the identification of missing persons. The Iraqi side noted the need for working with the United Nations on this file within a specific time frame.

6. The head of the Kuwaiti delegation and Acting Chair of the Kuwaiti National Committee for Missing Persons and Prisoner of War Affairs, Ibrahim M. Al-Shaheen, while giving a positive assessment of the Iraqi efforts, referred to the need to focus on obtaining more specific information about potential gravesites in keeping with the Kuwaiti action plan of 2009 (see S/2010/300, annex I). He also spoke in favour of advance planning on an annual basis for the future Technical Subcommittee missions in Iraq.

7. According to a press release issued by ICRC on 17 November 2011, following the Tripartite Commission meeting, the members of the Commission decided to step up the information gathering process on the possible burial sites. They also agreed to work out a concrete plan of action in both Iraq and Kuwait for the year 2012.

8. During his visit to Kuwait, on 21 and 22 November 2011, on the sidelines of an international ministerial conference held there, the High-level Coordinator was received by the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Khalid Al-Hamad Al-Sabah. The Minister voiced his hope that the Coordinator would help promote a comprehensive solution enabling the closure of this humanitarian file by urging Iraq to expedite substantive progress in clarifying the fate of missing Kuwaitis. He reaffirmed support for the extension of the mandate of the Coordinator to continue his efforts in that regard.

9. The Coordinator also met the Under-Secretary of the Ministry of Foreign Affairs of Iraq, Mohammad J. Al-Dorki. The latter stressed the determination of his Government to constructively work with Kuwait in the search for missing persons and properties. He also indicated that the political priority for Baghdad continues to be the termination of the remaining Chapter VII provisions.

10. On 18 September 2011, I discussed in New York with the visiting Prime Minister of Kuwait, Sheikh Nasser Mohammad Al-Ahmad Al-Sabah, the issue of missing Kuwaiti persons and national archives. The Prime Minister stressed the need for Iraq to comply with all its Chapter VII obligations with regard to Kuwait and underlined the importance of the continuation of the mandate of the High-level Coordinator.

11. In a letter dated 13 November 2011 addressed to me, the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Khalid Al-Hamad Al-Sabah, pointed out that no progress had been made since 2004 in discovering the fate of the persons who remain on the missing list (369). He hoped that the cooperation shown by the Government of Iraq would continue and intensify in the coming phase of implementing the action plans and programmes agreed upon within the Tripartite Commission and its Technical Subcommittee, which remain the primary body for dealing with the issue of missing Kuwaiti and third-country nationals from the 1990-1991 Gulf War. The Minister emphasized that Kuwait supports the extension of the mandate of the High-level Coordinator in order to achieve substantive results that would help put a closure to this humanitarian file.

12. In earlier correspondence, in a letter dated 5 July 2011 (S/2011/568), the Minister for Foreign Affairs of Iraq, Hoshyar Zebari, stressing full Iraqi cooperation in the search for both missing Kuwaiti persons and properties, informed that his Government did not see the need to extend the mandate of the Coordinator beyond 31 December 2011, since the Tripartite Commission and its Technical Subcommittee, as well as the existing Iraqi national bodies, should be able to work effectively on the humanitarian file for the benefit of Iraq and Kuwait.

13. The then-Deputy Prime Minister, Minister for Foreign Affairs of Kuwait, Sheikh Mohammad Al-Sabah Al-Salem Al-Sabah, in a letter dated 13 July 2011 (S/2011/428), stated that Kuwait supported the continuation of the mandate of the High-level Coordinator in order to ensure the implementation of Security Council resolution 1284 (1999).

14. In a related development, 32 sets of remains of Iraqi military personnel, discovered earlier this year by a Technical Subcommittee mission along "Highway 80" in Kuwait, were handed over to the Iraqi authorities in July 2011. A similar mission went to northern Kuwait at the end of November. Thus, the activities of the Technical Subcommittee have in fact become "a two-way street", dealing with missing persons from both Kuwait and Iraq.

III. Recent activities with regard to the return of Kuwaiti property

15. I remain concerned that no substantial progress has been made in the search for the Kuwaiti national archive, and that no credible information about its whereabouts has so far emerged.

16. The Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, in a letter dated 13 July (S/2011/428), welcomed the press statement issued by the Security Council on 22 June 2011, in which the Council urged the Government of Iraq to establish an effective national body to lead and coordinate efforts with regard to the Kuwaiti national archive and report the results to the United Nations.

17. In a letter to the President of the Security Council dated 15 November 2011 (S/2011/721), the Permanent Representative of Iraq stated that the Government of Iraq had implemented the recommendation contained in my report of June 2011. He informed that the Iraqi authorities had approved the establishment of a committee to coordinate efforts relating to the Kuwaiti national archive. It would consist of representatives from the Ministry of Foreign Affairs (Chair), the General Secretariat

of the Council of Ministers, Ministries of Defence, Interior, Finance, Justice, Higher Education and Scientific Research, and the Central Bank of Iraq at the rank of Director-General.

18. In the same letter, the Permanent Representative of Iraq said that the Ministry of Foreign Affairs of Iraq had sent a letter to the Kuwaiti Embassy in Baghdad about 136 microfilm cassettes found in Iraq that included materials belonging to the official newspaper *Kuwait Today*. Similar letters were sent to the Coordinator.

IV. Observations

19. It appears that the search for missing Kuwaiti and third-country nationals in Iraq is on track. I welcome the cooperation shown by the Government of Iraq in this respect, and encourage it to take further practical steps towards fulfilling its obligations under paragraph 14 of Security Council resolution 1284 (1999). I would like to acknowledge the support provided by the Government of Kuwait.

20. The emerging format of joint exploratory missions in Iraq within the framework of the Technical Subcommittee and under the aegis of ICRC appears to represent a suitable mechanism to speed up the search for missing persons. It enjoys the strong support of Iraq, Kuwait and the other members of the Technical Subcommittee and holds out a prospect of gradually producing tangible results. While three exploratory missions carried out inside Iraq to date have not uncovered any remains of the missing persons, their efforts have established confidence that serious engagement is under way. Concrete progress will require strong commitment, constructive collaboration and sustained professional effort.

21. I commend the determination and the contribution of the members of the Tripartite Commission and its Technical Subcommittee to the task of resolving the issue of missing persons. I appreciate the leading role of ICRC in this endeavour.

22. Now that the basic organizational and logistical aspects of the search for missing persons have been put in place, the attainment of significant practical results on the ground must become an operational priority. I call on Iraq to continue to work with Kuwait in the spirit of trust and confidence in order to achieve significant progress in the resolution of this humanitarian issue. This outcome, along with other necessary steps by Iraq to comply with its obligations under the relevant Security Council resolutions, would enhance the momentum to enable the Council to take up my report of 27 July 2009 pursuant to paragraph 5 of resolution 1859 (2008) (S/2009/385).

23. I welcome the decision of Iraq to form a committee to coordinate the search for the Kuwaiti national archive. This step is consistent with the recommendation contained in my June 2011 report (S/2011/373) on the subject supported by the members of the Security Council. I look forward to the intensification of efforts to clarify the whereabouts of the archives by this newly established body and expect that its activities will be brought to the attention of the United Nations.

24. In view of the potential for progress that lies ahead, I recommend that the Security Council extend the financing of the mandate of the Coordinator until 30 June 2012, in order to continue to build upon the existing momentum towards the implementation of paragraph 14 of resolution 1284 (1999).

25. I would also like to thank Ambassador Gennady Tarasov, the High-level Coordinator, for his assiduous efforts and determination to resolve the issues that are the subject of this report.